

**CITY OF TAKOMA PARK, MARYLAND**  
**(Adopted May 9, 2005)**

**PRESENTATION, INTERVIEWS, SPECIAL SESSION,  
WORKSESSION AND CLOSED SESSION  
OF THE CITY COUNCIL**

**Tuesday, July 6, 2004**

**OFFICIALS PRESENT:**

Mayor Porter  
Councilmember Austin-Lane  
Councilmember Elrich  
Councilmember Mizeur  
Councilmember Seamens  
Councilmember Williams

City Manager Finn  
Deputy City Manager Hobbs  
Executive Assistant Forster  
Police Chief Creamer  
Public Works Director Lott  
Deputy Public Works Director Braithwaite  
City Arborist Linkletter  
Senior Planner Inerfeld  
Assistant Planner Blanchard

**OFFICIALS ABSENT:**

Councilmember Barry

The Council convened at 7:36 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**COUNCIL COMMENTS**

Ms. Austin-Lane commented that she has spoken with the owner of the Subway restaurant on Carroll Avenue. She expressed the City's support in light of the recent vandalism. Ms. Austin-Lane asked the City Manager when the City's on-line complaint system (ACTion) would be repaired. Ms. Austin-Lane's third comment concerned a question raised by a resident about Mr. Finn's severance agreement. The resident had suggested that the contract may conflict with the City Charter in that the Council would be directing Mr. Finn's activities, instead of his activities being directed by the new City Manager. Ms. Austin-Lane said she would like the issue to be discussed in public.

Ms. Mizeur announced that the City Council will be considering a resolution regarding same sex marriage at next week's Council Meeting. We would encourage people interested to come to the July 12 meeting to address the resolution.

Mr. Seamens thanked the Independence Day Committee for their work in putting on the Parade and Fireworks.

## **PUBLIC COMMENTS**

Andrew Keleman, Philadelphia Avenue, suggested that, since the City will be starting a new chapter with a new City Manager, it would be prudent to get a consultant and generate a five to ten year strategic plan for the city with a financial spending plan associated with it.

Drew Summers, President of Longbranch Sligo, spoke in support of the proposed bond for street rehabilitation.

### **1. Update on the Community Center Construction Project**

Mr. Williams reported on the pricing for the additional windows, the alternate grill design for the windows, and precast concrete items. The Council will need to make a decision on these items next week.

Mr. Williams also noted that there was some discussion about dealing with the back of police parking area. We will get more information in two weeks when the Architect will present the new floor plan.

## **INTERVIEWS**

### **2. Noise Control Board**

Council interviewed Ellen Fabian for the Noise Control Board.

### **3. Safe Roadways Committee**

Council interviewed Greg Castano, Mike Goodno, Larry Rubin, Robert Patten and Katherine Kelly for the Safe Roadways Committee.

## **SPECIAL SESSION**

### **4. 2<sup>nd</sup> Reading Ordinance re: FY04 Budget Amendment No. 3**

Postponed.

### **5. 2<sup>nd</sup> Reading Ordinance re: Street Rehabilitation Financing**

Moved by Mizeur; seconded by Williams.

Ms. Austin-Lane asked Mr. Finn to address Sustainable Takoma's analysis of the street rehabilitation.

Ms. Braithwaite noted that Sustainable Takoma's estimates varied from EBA's estimates.

Mr. Lott said he has found EBA's estimates to be close to being on target.

Ms. Braithwaite commented that the loan seems the only way to accelerate the poor and very poor streets. When EBA put the study together, they included a lot of contingency costs. We are under their costs. Sustainable Takoma did their analysis based on today's dollars.

Ms. Austin-Lane asked about the 3% inflation rate.

Mr. Lott said that construction inflation has been running at 2.75 to 3 %

Mr. Seamens said he appreciates the planning and looking at alternatives. I am concerned about moving into doing a lot of road maintenance up front. We're just learning how to do good road maintenance. We might move at a slower pace to make sure our estimates are accurate. With the community center looming, this may not be the best way to borrow. We should be working toward doing road maintenance within our tax rate.

Mr. Williams commented that we had a \$2 million grant and loan from the county and did a lot of work, at an accelerated pace, and managed that in house. In this cycle, we'll be managing in house with inspector and the EBA engineer. Whether we borrow or not, we're still talking about spending \$500,000 per year. This locks us into spending this amount. We recognize the need to spend \$500,000 per year to get on the 20 year cycle.

Mr. Elrich commented we committed to \$500,000 per year and getting into the 20 year cycle. I'd rather do the full street work that we committed ourselves to do. We have to deal with both the roads and the community center.

Ms. Austin-Lane asked about the arbitrage issue.

Mr. Elrich said arbitrage is taking money and making money on it, using our tax exempt status. The contractor bills monthly. We're allowed to put the \$2 million into a bank, and draw it down as we are billed for it. You can't build year round.

Mr. Finn said according to IRS regulations, you have six months to start spending the money. We will not be in violation.

Ms. Austin-Lane asked if the money is not used for an extended period of time, would we fall under another rule that we don't know about.

Mr. Finn said we'll work with the City Attorney to make sure we are in compliance. We'll start doing the work in March, bills will start to come in April. As long as we do that consistently, we won't be in violation.

Ms. Austin-Lane asked how is borrowing money going to be earmarked any different than general funds. This seems disconnected from what the city planners are working on. Once road

maintenance was scheduled, then we started looking at traffic calming. Will this only be spent on road repair? How will you ensure the money will be there when we need it?

Mr. Finn said we will establish a fund. Many of the poor and fair streets are going to get done the first year or two. This plan does that. There is a slight savings when you look at the full time period, because you are using the cheaper money (today's dollars). For many years, the City has not been able to put \$500,000 into roads. The low interest loan will allow you to make a fiscal commitment to get the job done. This is a fiscally prudent way to go. The council will not have to raise the tax rate to pay for this. We have set aside \$500,000 a year.

Ms. Braithwaite said an important part of this project is looking at traffic calming, water problems, storm water problems, and whether sidewalk repairs are needed. We can start to do a systematic look. Tell us if you want a traffic circle, have water problems, need sidewalks. On Kirdland Avenue, for instance, we were able to do that. I think this will actually help that happen, by being able to plan two years in advance. It will be more than just curb and gutter and streets. It is better to do it during resurfacing than afterward. It opens up the opportunity to make changes.

Mr. Seamens said he is concerned about some of the streets that we have done recently where we haven't addressed stormwater problems. It's going to take some more discussion on Council's part to find money to address those issues.

Ms. Mizeur said I agree with my colleagues who voted in favor to spend \$500,000 a year under this scenario. Under the projections, we will actually save money or break even on this. We could save as much as \$700,000. This gives us an opportunity to implement the street study and go on a 20-year cycle. We have shared this information with the new City Manager. She has agreed with the Council that this is a prudent idea.

Mr. Elrich asked if we can systematize the planning for each street, to give people a way to weigh in as each street is scheduled.

Mr. Williams noted that Mr. Barry was called out of town. At an MML budgeting session, we were provided information on indicators on borrowing for municipalities in the state. In terms of the City's borrowing, we are down at the bottom of the group. Our borrowing ratio is quite low.

Ed Sharp, commented on communication problems between staff and residents on Maple Avenue concerning plans for the street. Mr. Sharp said he does support the bond. The amount is modest. It is unfortunate the interest rate went up. It doesn't take money away from other projects, might serve hedge against inflation.

Robert Lanza asked what was the new City Manager's opinion about the bond.

Ms. Porter responded that Ms. Matthews did approve of the idea.

Ms. Mizeur said she appreciates the residents who took the time to write in testimony if they cannot be present. She found it instructive.

Ms. Porter said she also appreciates the public input. There is an assumption that this is going to cost us more. With or without the loan, the Council is committed to spend \$500,000 per year. The difference is to get certain streets done earlier. In going to MML, you get to talk to people from other cities. The amount of money we're talking about isn't a huge amount of borrowing. Any borrowing should be carefully considered.

Ms. Austin-Lane said the new City Manager being here would be an important step, to get a sense from residents of prior testimony and community sentiment. We are still trusting a little bit too much in this process. I am skeptical and will vote against this. I look forward to discussing other unfunded priorities.

Mr. Seamens said he supports spending \$500,000 on road maintenance, but opposes the loan because we need to have a better grasp of expenses for the community center. I am concerned with moving ahead given our track record in recent months. I appreciate Public Works in doing this analysis. I am not willing to move forward with the loan at this time. I am not comfortable that we understand how to do road maintenance that will last for 20 years.

Ordinance 2004-22 was adopted at second reading (VOTING FOR: Porter, Elrich, Mizeur, Williams; NAY: Austin-Lane, Seamens; ABSENT: Barry).

**Ordinance 2004-22  
(Attached)**

**6. Resolution re: City Manager's Contract**

Motion by Mizeur; second by Seamens.

Mr. Williams recommended language changes, references to "Mayor and Council" should be changed to "City Council." The motion maker agreed.

Ms. Porter commented that the resolution lays out the agreed upon contract. Ms. Matthews has executed it.

Robert Lanza, said he has reviewed the proposed contract. He asked if the new City Manager will supervise the former City Manager. Will there be any public discussion of this? He said there should be a document outlining the former City Manager's responsibilities.

Ms. Austin-Lane commented that Council's directing the activities of the former City Manager may be contrary with the City's charter. I would like this to be scheduled for discussion. I would like the document to reflect the Council's direction.

Ms. Porter commented that this document is the contract between the Council and the new City Manager.

Resolution 2004-32 was adopted (VOTING FOR: Porter, Austin-Lane, Elrich, Mizeur, Seamens, Williams; ABSENT: Barry).

**Resolution 2004-32  
(Attached)**

**BREAK**

The Council recessed for a scheduled break and reconvened in Worksession.

**7. Emergency Management Plan**

Mr. Hobbs commented that the plan is meant to be a living document which should be constantly reviewed and updated. It is a flexible plan; setting up command and control so we can deal with any situation. Montgomery County Fire and Rescue will be the first responder. The City will be in a support role in almost any conceivable event. We have representatives to the Montgomery County Emergency Operations Center. The City has limited resources. We built the plan around that. We did implement many of the PSCAC suggestions, but not all. This morning, I've learned that the AFSCME union would be interested in participating. We will invite their input. I've tasked the departments to develop individual department plans to compliment this. We have an MOU with the County that will allow them to take over. We coordinate with COG; we attend their training sessions and exercises. The proposed resolution says adopt this plan as basic and task the City Manager with updating it.

Andrew Kelemen, Chair of the PSCAC, said the PSCAC recommends that there be a separate emergency preparedness committee. The plan eludes to a number of work items (the workplan). The plan talks about the responsibilities of the different departments and there is work associated with this. We recommend that a committee be established to work on some of these items, such as holding forums, attending community meetings, performing outreach. There should be a budget associated with emergency preparedness.

Pat Fletcher, AFSCME representative, commented on the importance of working with the County and others. The Union can assist with getting matching funds for positions associated with emergency preparedness.

Gayle Fisher Stewart, PSCAC member, spoke about the importance of neighbors working together.

Wolfgang Mergner, PSCAC, commented on the importance of establishing neighborhood contacts.

The Council directed Mr. Hobbs to work with the PSCAC to recommend a structure for a committee or subcommittee.

## **8. Parking Study**

Public Works Director Alfred Lott and Jim Miller of City of College Park Parking Enforcement, made a presentation on generating revenue and controlling parking in the city by installing additional parking meters. Chief Creamer was also present for the discussion.

After discussion, Council agreed that the plan should be explored further. Comments included the need to publicize any proposed changes and hold a public hearing.

## **9. Update on Carroll Avenue Streetscape**

Planners Rob Inerfeld and Ilona Blanchard, and City Arborist Brett Linkletter provided an update. There was Council consensus to proceed with the plan as presented.

## **CLOSED SESSION**

Upon motion by Mr. Seamans, second by Ms. Austin-Lane, the Council voted to convene in Closed Session to receive legal advice pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) (VOTING FOR: Porter, Austin-Lane, Seamens, Williams; ABSENT: Barry, Elrich, Mizeur).

## **ADJOURN/CLOSED SESSION**

The Council adjourned at 12:03 a.m. and immediately convened in closed session.

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Closed Session 7/6/04 - Motion by Seamens; second by Austin-Lane. The Council voted to convene in Closed Session at 12:03 a.m. in the Municipal Building Conference Room, to receive legal advice and discuss possible litigation regarding the release of a draft of Staff's rent control policy memorandum in response to a PIA request (VOTING FOR: Porter, Austin-Lane, Seamens, Williams; ABSENT: Barry, Elrich, Mizeur). OFFICIALS PRESENT: Porter, Austin-Lane, Seamens, Williams; STAFF/OTHERS PRESENT: City Manager Finn, Assistant City Attorney Sigman. The Council agreed to release the memo. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7))

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